

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X		
In re)	
)	
Old Carco LLC)	Appeal from Bankr. Case
(f/k/a Chrysler LLC), <i>et al.</i> ,)	No. 09-50002 (AJG)
)	(Jointly Administered)
Debtors.)	
)	
-----X		
Island Jeep, Inc., <i>et al.</i> ,)	
)	
Appellants,)	Case No. 1:10-cv-02493 (AKH)
v.)	(ECF Case)
)	
Old Carco Liquidation Trust,)	
)	
Appellee.)	
-----X		

**MOTION OF APPELLEE OLD CARCO
LIQUIDATION TRUST, PURSUANT TO LOCAL CIVIL
RULE 7.1(b), FOR RELIEF WITH RESPECT TO APPELLANTS' REPLY BRIEF**

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Attorneys for Appellee
Old Carco Liquidation Trust

NOW COMES Appellee Old Carco Liquidation Trust (the "Liquidation Trust"), as successor in interest to Old Carco LLC f/k/a Chrysler LLC and its affiliated debtors and debtors in possession (collectively, the "Debtors"),¹ and files this motion for relief with respect to Appellants' Reply Brief (Docket No. 14) (the "Reply Brief"). In support of this Motion, the Liquidation Trust respectfully represents as follows:

1. On April 27, 2010, the Appellants filed the Rejected Dealers' Brief on Appeal (Docket No. 8).

2. On May 17, 2010, the Liquidation Trust filed the Brief of Appellee Old Carco Liquidation Trust (Docket No. 9).

3. Thereafter, on May 21, 2010, the Appellants filed their Reply Brief. The Reply Brief is a total of 24 pages in length, including 23 pages that contain text and one blank sheet. In addition, the Reply Brief attaches nearly 100 additional pages of material as exhibits thereto.

4. Pursuant to the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York (the "Local Civil Rules"), the Reply Brief must be no more than ten pages in length. In particular, the Local Civil Rules provide, in pertinent part, as follows:

Unless otherwise ordered by the district judge to whom the appeal is assigned, appellate briefs on bankruptcy appeals shall not exceed 25 pages and reply briefs shall not exceed 10 pages.

¹ By an order entered on April 23, 2010 (Docket No. 6875) (the "Confirmation Order"), the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") confirmed the Second Amended Joint Plan of Liquidation of Debtors and Debtors in Possession, as Modified, which was attached to the Confirmation Order as Annex I (without exhibits thereto) and as further modified by the Order of the Bankruptcy Court dated April 28, 2010 (Docket No. 6923) (collectively and including all exhibits thereto, the "Plan of Liquidation"). On April 30, 2010, the Plan of Liquidation became effective in accordance with its terms and (a) the relevant Debtor-Appellees were dissolved and (b) the Liquidation Trust succeeded to their interests. As a result, the Liquidation Trust is substituted for the Debtor-Appellees in this Appeal, consistent with Rule 25 of the Federal Rules of Civil Procedure.

See Local Civil Rule 7.1(b) (emphasis added).

5. Thus, the Reply Brief exceeds the limitations set forth in the Local Civil Rules by approximately 14 pages (or 13 pages if the final blank page is disregarded). Moreover, upon review of the docket in this Appeal, it is clear that the Appellants have not filed a request for relief from the page length requirements of the Local Civil Rules, nor has this Court altered, amended or "otherwise ordered" any modification with respect to the ten-page limitation of Local Civil Rule 7.1(b).

6. The Liquidation Trust has taken care to ensure that its own pleadings are within the mandated requirements of Local Civil Rule 7.1(b), deleting material from earlier drafts of its appellate brief that exceeded the 25-page briefing limit. The Liquidation Trust submits that the Appellants should be held to the same standard. Thus, by this Motion, the Appellee requests that this Court strike or disregard the portions of the Reply Brief that exceed the ten-page limitation of Local Civil Rule 7.1(b)² or grant such other relief as is appropriate to enforce the ten-page limitation in Local Civil Rule 7.1(b).

7. In the event this Court determines that the relief requested herein is not appropriate, the Liquidation Trust reserves its rights to seek leave to reply to the Reply Brief, particularly since the Reply Brief appears to raise new issues not originally presented in the Appellants' opening brief.

²

Because the briefing begins on page 4 of the Reply Brief, the Liquidation Trust requests that the Court consider only pages 4 through 13 of the Reply Brief and not the pages thereafter.

WHEREFORE, the Liquidation Trust respectfully request that this Court (a) enter an order substantially in the form attached hereto as Exhibit A and (b) grant the Liquidation Trust such other and further relief as the Court may deem proper.

Dated: June 3, 2010

Respectfully submitted,

/s/ Nathan P. Lebioda

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ATTORNEYS FOR APPELLEE
OLD CARCO LIQUIDATION TRUST

EXHIBIT A

**UNITED STATES DISTRICT COURT
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Appellants,)	Case No. 1:10-cv-02493 (AKH)
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**ORDER, PURSUANT TO LOCAL CIVIL RULE 7.1(B),
GRANTING RELIEF WITH RESPECT TO APPELLANTS' REPLY BRIEF**

This matter coming before the Court on the Motion of Appellee Old Carco Liquidation Trust, Pursuant to Local Civil Rule 7.1(b), For Relief With Respect to Appellants' Reply Brief (the "Motion"), filed by Old Carco Liquidation Trust (the "Liquidation Trust"), the appellee in the above-captioned appeal;³ the Court having reviewed the Motion; and the Court having found that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. § 158(a), (b) venue being proper before this Court pursuant to 28 U.S.C. § 1409(a) and (c) notice of the Motion was sufficient under the circumstances; and the Court having determined that the legal and factual bases set forth in the Motion establish grounds for the relief granted herein, including just cause;

³ Capitalized terms not otherwise defined herein shall have the meanings given to them in the Motion.

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

2. Pages 14 through 24 of the Reply Brief (other than the signature block) shall be stricken and otherwise disregarded as in excess of the ten-page limitation set forth in Local Civil Rule 7.1(b).

Dated: _____, 2010

UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2010, a true and correct copy of the foregoing MOTION OF APPELLEE OLD CARCO LIQUIDATION TRUST, PURSUANT TO LOCAL CIVIL RULE 7.1(b), FOR RELIEF WITH RESPECT TO APPELLANTS' REPLY BRIEF was electronically filed with the Clerk of the Court through the Court's CM/ECF system, which will send notification of such filing to the attorneys of record.

Dated: June 3, 2010

/s/ Jeffrey B. Ellman
Jeffrey B. Ellman